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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,466	01/26/1999	DEREK IAN JOSEPH HOPKINS	FHW-037	7489

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EXAMINER
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LY, ANH

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 03/31/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/237,466

Applicant(s)

HOPKINS, DEREK IAN JOSEPH

Examiner

Anh Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 02/17/2004 have been fully considered but they are not persuasive.

Applicant argued that, "the data link messages recited in Claim 1 are formatted digital data sequences that are typically transmitted between units, such as military units." (Page 5, lines 1-2).

In response to applicant's argument that, "formatted digital data sequences that are typically transmitted between units", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Applicant argued that, "Hails fails to teach or suggest, ... that the tactical data link messages are formatted digital data sequences transmitted between units that include a message type field." (Page 6, lines 10-12).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., data sequences transmitted between units) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argued that, "The Nielson reference fails to teach or suggest that within each message group filtering a list of field contents ..., as recited in Claim 1." (Page 4, lines 7-9).

Nielsen teaches hash function from which a message is created or filtered for duplicated message based on the hash values, which is calculated using a predetermined hash function for each message. The hash function is based on the hash values from which to compare a hash value with the previously stored hash values from earlier message to determine whether the message is being duplicated. The hash function is used be collision or duplication free. (col. 15, lines 38-55).

2. Claims 1-8 are pending in this application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,453,327 issued to Nielsen.

With respect to claim 1, Nielsen discloses receiving a plurality of data link messages and storing the message in a database (trusted group database, which is maintaining each trusted user information, contains e-mail records: col. 8, lines 66-67 and col. 9, lines 1-20); assigning each data link message to one of a plurality of message groups such that each group contains data link messages of a specific message type (each record in the trusted group database having a field associated with the name of one of these group: col. 8, lines 50-55); within each of the message groups, tabulating the messages so as to align corresponding fields (the messages are displayed in a window on the display device (col. 8, lines 15-18 and lines 24-32); displaying the tabulated messages so that the corresponding message content fields

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are aligned; and displaying a list of field contents for each message content field, the list being filtered to remove repeated incidence of the same content (see fig. 4a, all the field contents are aligned in the display screen; also in the display screen for displaying the message has delete icon for removing unwanted message and hash function: col. 15, lines 38-55).

Nielsen does not clearly disclose data link messages. Nielsen discloses the database of email messages (as a plurality of data link messages) of the trusted user group and display each record of e-mail message and on each record has a field content associated with the user of the group.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the database of e-mail messages of a group of trusted users and display them to the user (col. 4, lines 5-18) as taught by Nielsen because it would made the method having a classification mechanism that allows the trusted recipient to classify the e-mail message (col. 4, lines 8-12) in the analyzing messages environment.

With respect to claim 2, Nielsen discloses the step of performing to all of said message groups the steps of tabulating the messages and displaying the tabulated data and the field contents (col. 8, lines 12-32).

With respect to claim 3, Nielsen discloses the step of placing all of said data link messages of a specific message type into each of said plurality of message groups (col. 9, lines 1-20).

With respect to claim 4, Nielsen discloses the step of sorting said list of field content (field content is sorted based on message ID on each record: col. 10, lines 15-25).

With respect to claim 5, Nielsen discloses the step of filtering one of said plurality of message group so as to display only message having a particular content for that field type, the content having been selected from the list of field content (col. 10, lines 15-25; also see col. 1, lines 64-67 and col. 10, lines 44-60).

With respect to claim 6, Nielsen discloses the step of filtering the list to remove repeated incidence of content falling within a specific range (col. 9, lines 47-60).

With respect to claim 7, Nielsen discloses wherein the data link messages comprising tactical data link message (trusted group user; col. 8, lines 48-65).

5. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. Patent No. 6,453,327 issued to Nielsen in view of US Patent No. 5,971,580 issued to Hall et al. (herein Hall).

With respect to claim 8, Nielsen discloses a method of analyzing data link messages as discussed in claim 1.

Nielsen discloses the database of email messages (as a plurality of data link messages) of the trusted user group and display each record of e-mail message and on

each record has a field content associated with the user of the group. Nielsen does not explicitly disclose a plurality of military platforms.

However, Hall discloses the military sites platforms (aircraft, ship, missiles, submarines: col. 30-37 and their positions as latitude and longitude: col. 10, lines 17-25); messages in digital form (see fig. 7, worksheet window, item 34: a structure of spreadsheet with rows and columns, col. 7, lines 49-67 and col. 8, lines 1-3); and transmitted via wireless network (see fig. 1, item 19, source sensors, col. 3, lines 38-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nielsen with the teachings of Hall so as to obtain a plurality of military platform for analyzing data link messages. This combination would provide a method for analyzing tactical data, information or situation based on the real time data and allowing the operator or user to evaluate and use the real-time data while performing other special function tasks or special focus tasks such as for military platforms' entities: aircrafts, ships and submarines (Hall- col. 2, lines 8-21) and having a classification mechanism that allows the trusted recipient to classify the e-mail message (col. 4, lines 8-12) in the analyzing messages environment.



***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

7. Any inquiry concerning this communication should be directed to Anh Ly whose telephone number is (703) 306-4527 or via E-Mail: ANH.LY@USPTO.GOV. The examiner can be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner are unsuccessful, see the examiner's supervisor, John Breene, can be reached on (703) 305-9790.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to: (703) 872-9306 (Central Official Fax Number)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

ANH LY   
MAR. 18<sup>th</sup>, 2004

  
JEAN M. CORRIELLUS  
PRIMARY EXAMINER